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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
CAPRON, AARON J	

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/595,798	BROSNAN, WILLIAM J.	
	Examiner	Art Unit	
	Aaron J. Capron	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 March 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/29/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This is a response to the Amendment received on March 23, 2004, in which claims 1, 11, 17 were amended, claims 33-37 were added. Claims 1-37 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9, 11-13, 15-23, 25-28 and 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vuong et al. (U.S. Patent No. 5,762,552; hereafter "Vuong") in view of Ng (U.S. Patent No. 5,971,855; hereafter "Ng").

Vuong discloses a gaming machine comprising a housing, a master gaming controller; a display; one or more input devices coupled to a housing for accepting indicia of credit wherein the indicia of credit are for making wagers on the game played on the gaming machine; a communication interface connected to a network of gaming machines (3:30-40 and 4:6-19); wherein the gaming machine is capable of providing one or more game services (the master gaming controller [gaming machine acting as the server] receiving play information and sending outcomes to each of the gaming machines), including sending game information to a plurality of gaming machines within the network of gaming machines and wherein the gaming machine is capable of sending a first game information to a second gaming machine in a network wherein the second

game receives the first game information and wherein the first game played on the second gaming machine comprises: receiving a wager on a first game outcome for the first game; generating the first game outcome of the first game on the second gaming machine and displaying the first game outcome, but Vuong does not disclose the game information being downloadable game software and a memory for storing downloadable game software for generating different types of games played on a plurality of gaming machines and the ability to download game software to a plurality of gaming machines. However, Ng discloses a system wherein downloadable game software is used to update the game state of a plurality of participating clients participating in the game (abstract, 3:34-45, 8:31-44) in order to permit for the efficient and reliable sharing of software data and to further permit entry and exit of the clients (2:47-51), wherein the distributed gaming information (such as the cards distributed to the players) are dependent upon an accurate count of the players at the participating client gaming machines. The references are analogous since both refer to electronic network games and need constant updating to ensure a proper game outcome. One would be motivated to combine the references in order to permit for the efficient and reliable sharing of application data and to further permit ad hoc entry and exit of the application clients in a gaming environment. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a system using downloadable game software, as described by Ng, into the gaming system of Vuong in order to permit for the efficient and reliable sharing of application data and to further permit ad hoc entry and exit of the application clients in a gaming environment.

Referring to claim 2, Vuong discloses the game played on the gaming machine being a slot game, video poker, video blackjack, keno and lottery (1:5-20 and 4:20-31).

Referring to claim 3, Vuong discloses that the server provides game serving (4:6-19 and 14:25-35).

Referring to claim 4, Vuong discloses the gaming machines are bi-directional and are connected in at least one loop (6:29-48).

Referring to claim 5, Vuong discloses the gaming machines can be coupled by wire and wireless connections (7:57-61 and 5:24-35).

Referring to claim 6, Vuong discloses a gaming machine that has a concentrator for gathering information from a plurality of gaming machines in the network of gaming machines (6{9-29, 7:66-8:27 and 9:49-57)

Referring to claim 7, Vuong discloses a game machine that has a translator that translates one communication protocol to another communication protocol (8:36-40).

Referring to claim 8, Vuong discloses a gaming machine that includes the game server is a component in at least one of the plurality of gaming machines in the gaming machine network (4:6-19 and 14:25-35).

Referring to claim 9, Vuong discloses a gaming machine that includes the game server has a microprocessor for performing server functions (4:6-19). It is inherent that a game server includes a processor for performing game server functions.

Referring to claim 11, Vuong discloses a gaming machine that includes a memory device storing game information from a plurality of gaming machines (3:16-29)

Referring to claim 12, Vuong discloses a gaming machine that includes game information is a number of games played, a number of wins, number of losses, a game event, and an amount of money wagered for one or more gaming machines (9:40-62).

Referring to claims 13, Vuong in view of Ng disclose the gaming machine is capable of generating configuration commands and sending the configuration commands to a second gaming machine wherein the configuration commands are for reconfiguring game software settings on the second gaming machine (Ng 8:31-44).

Referring to claim 15, Vuong in view of Ng disclose a gaming machine that includes an input device and a display device wherein the two devices enable a player to select a game from a list of games and the coding instructions of each game are served on the game server (4:19-30), loading game software for the updated portion of the selected game and generating the game using the loaded game software.

Referring to claim 16, Vuong discloses a gaming machine that includes a casino area network (1:5-19).

Claims 17-23 and 25-26 correspond in scope to a method set forth for use of the structure listed in the claims above and are encompassed by use as set forth in the rejection above.

Claims 33-37 correspond in scope to a gaming system set forth for use of the gaming machine listed in the claims above and are encompassed by use as set forth in the rejection above.

Claims 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vuong et al. (U.S. Patent No. 5,762,552; hereafter "Vuong") in view of Olsen et al. (U.S. Patent No. 5,987,376; hereafter "Olsen").

Vuong discloses a gaming machine comprising a housing, a master gaming controller; a display; one or more input devices coupled to a housing for accepting indicia of credit wherein the indicia of credit are for making wagers on the game played on the gaming machine; a communication interface connected to a network of gaming machines (3:30-40 and 4:6-19); wherein the gaming machine is capable of providing one or more game services (the master gaming controller [gaming machine acting as the server] receiving play information and sending outcomes to each of the gaming machines), including sending game information to a plurality of gaming machines within the network of gaming machines and wherein the gaming machine is capable of sending a first game information to a second gaming machine in a network wherein the second game receives the first game information and wherein the first game played on the second gaming machine comprises: receiving a wager on a first game outcome for the first game; generating the first game outcome of the first game on the second gaming machine, displaying the first game outcome and having minimum credit amounts and table credit limits (8:15-27), but Vuong does not disclose the game information being downloadable game software and a memory for storing downloadable game software for generating different types of games played on a plurality of gaming machines and the ability to download game software to a plurality of gaming machines. However, Olsen discloses a system wherein downloadable game application data is used to update the game state of a plurality of participating clients participating in the game (2:56-3:3, 3:14-26, 3:36-43) in

order to permit for the efficient and reliable sharing of application data and to further permit ad hoc entry and exit of the application clients (2:40-43), wherein the distributed gaming information (such as the cards distributed to the players) are dependent upon an accurate count of the players at the participating client gaming machines. One would be motivated to combine the references in order to permit for the efficient and reliable sharing of application data and to further permit ad hoc entry and exit of the application clients in a gaming environment. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a system using downloadable game software, as described by Olsen, into the gaming system of Vuong in order to permit for the efficient and reliable sharing of application data and to further permit ad hoc entry and exit of the application clients in a gaming environment.

Referring to claim 30, Vuong discloses that the game is selected from video poker, video black jack, slot games and keno.

Referring to claim 32, Vuong in view of Ng disclose a gaming network having wagering games, but does not disclose configuring information including game jurisdiction information. However, it is notoriously well known to alter game jurisdiction information based upon location with a wagering game due to a wide variety of federal, state and local governments that try to enforce their respective gambling laws over the remote network system. This information would help ensure that the laws for each respective region would not be broken and would help protect the gaming system's company from any sort of lawsuit. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate game jurisdiction information into the configuration information of Vuong in order to help

ensure that the law is not broken and to help protect the gaming system's company from any unnecessary lawsuits.

Claims 10, 14 and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Vuong in view of Ng as applied to claims 1-9, 11-13, 15-23 and 25-32 above, and further in view of Weiss (U.S. Patent No. 5,611,730).

Referring to claim 10, Vuong in view of Ng disclose a gaming machine that includes a memory, but does not disclose that the memory is removable. However, Weiss discloses that the memory is removable (9:12-35 and 18:27-29). One would be motivated to combine the two references since both references deal with network gaming machines. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate removable memory into Vuong's and Ng's invention because problems could occur with the memory and new memory may have to be added and the old memory be examined for diagnostic checks.

Referring to claims 14 and 24, Vuong in view of Ng disclose a method that has a game operation and that the gaming machine is capable of receiving game information from one or more gaming machines, but does not disclose the game operation being either presenting a bonus game or displaying a progressive jackpot. However, Weiss discloses a progressive gaming system. One would be motivated to combine the two references since both use network gaming systems in a casino environment. Also, it notoriously well known in the arts that slot games have bonus features, such as bonus games and progressive jackpots, to attract players. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

combine the bonus features of Weiss with Vuong's invention because casinos can generate more money since the slot machine would attract more players.

Response to Arguments

Applicant's arguments with respect to claim1-28 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments with respect to the rejection(s)of claim(s) 1-28 under Vuong, Olsen and/or Weiss have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Vuong, Ng and/or Weiss.

Applicant argues the use of the "well known statements" with respect to the bonus and progressive features. However, the Applicant did not seasonably challenge the demand for evidence or rebut the "well known statements" in the next reply after the Office Action in which the "well known statements" were made, see MPEP 2144.03. Thus, as a result, the claimed subject matter is taken to be admitted prior art. Therefore, the claimed invention fails to overcome the above references.

Applicant argues that Vuong in view of Olsen fails to disclose the game configuration information including game play limits for the first game. However, Vuong discloses having minimum credit amounts and table credit limits (8:15-27) and transmitting this information to each game machine when a player initiates a game. Therefore, the claimed invention fails to preclude the invention of Vuong and Olsen.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Paravia et al. (USPN 6,508,710) discloses updating the gaming system based upon player location and jurisdiction.

Reed et al. (U.S. Patent No. 6,402,618) discloses a computer software delivery system.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-Th 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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